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ADMITTED TO PRACTICE IN:
ARIZONA, COLORADO, MONTANA,
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DISTRICT OF COLUMBIA

March 28, 2007

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Re: Empirita Water Company
Docket No. W-03948A-06-0490

To Whom It May Concern:

Enclosed for filing in the above-referenced proceeding are fourteen (14) copies of a Physical Availability Determination ("Determination") on behalf of Empirita Water Company, as issued by the Arizona Department of Water Resources ("ADWR") on March 27, 2007. This Determination is responsive to one of the requirements of the recommended Order Preliminary which the Commission will be considering at it's Open Meeting on March 29, 2007.

Thank you for your assistance. Please advise me if you have any questions.

Sincerely,

Lawrence V. Robertson, Jr.

cc: All Parties of Record
Empirita Water Company
Chuck Dickens



ARIZONA DEPARTMENT OF WATER RESOURCES

Office of Assured and Adequate Water Supply

3550 N. Central Ave, 2nd Floor, Phoenix, AZ 85012

Telephone 602 771-8585

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Janet Napolitano
Governor

Herbert R. Guenther
Director

March 27, 2007

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DOCUMENT CONTROL

Larry Robertson
Munger Chadwick, P.L.C.
P.O. Box 1448
Tubac, AZ 85646

**RE: Empirita Water Company, Cochise County, Arizona
Application for a Physical Availability Demonstration
(ADWR #52-700268.0000)**

Dear Mr. Robertson:

The Department has completed its review of the application for a Physical Availability Determination for the Empirita Water Company. The Department received the application on March 9, 2007. The study area consists of approximately 10,000 acres in Township 17 South Range 19 East, Township 17 South Range 18 East, G&S R B&M in Cochise County in southeastern Arizona.

In accordance with A.A.C. R12-15-702(C), the Department determined that a minimum of 321 acre-feet per year of groundwater is physically available for 100 years under A.A.C. R12-15-716(B) for adequate water supply purposes in the study area. With regard to water quality for the purpose of A.A.C. R12-15-719(A), the provider is currently in compliance with the Arizona Department of Environmental Quality drinking water compliance unit. With regard to water quality for the purpose of A.A.C. R12-15-719(B) the study area is not located within one mile of any known WQARF or Superfund site.

As with all PAD determinations issued by the Department, if the Department finds that the water supply is not available because the assumptions and information used in determining the physical availability under the current criteria prove incorrect, the Department will modify the availability of groundwater accordingly. The results of the Department's review fulfill the requirements of R12-15-703(B) and may be cited in applications for determinations of adequate water supply. These applications have certain additional requirements based on the assured water supply criteria referenced in A.R.S. § 45-108 and A.A.C. R12-15-701 et seq. For further information on these requirements, please contact the Office of Assured and Adequate Water Supply at (602) 771-8585.

The Department's determination is an appealable agency action. In order to appeal this decision, you must request an appeal within thirty (30) days from receipt of this letter. I have enclosed a summary of the appeals process and an appeal form should you wish to pursue this option.

If you have any questions regarding this Physical Availability Demonstration, please contact Doug Dunham at (602) 771-8590.

Sincerely,

Sandra Fabritz Whitney
Assistant Director, Water Management

cc: Chuck Dickens
12330 E. Snyder Rd
Tucson, AZ 85749

Steve Olea
Arizona Corporation Commission

Joan Card, Assistant Director
Arizona Department of Environmental Quality

Doug Dunham, ADWR

Scott Miller, ADWR